



500.42877X00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: N. ISHITSUKA, et al.  
Application No.: 10/600,771  
Filed: June 23, 2003  
For: SEMICONDUCTOR DEVICE AND MANUFACTURING  
METHOD OF THE SAME.  
Art Unit: 2812  
Examiner: H. J. Tsai

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 11, 2004

Sir:

In response to the Restriction Requirement dated January 20, 2004 in the above-identified application, Applicants hereby respectfully traverse this Restriction Requirement.

With regard to the present claims, it is respectfully submitted that both the device claims 1-11 and 19-27 and the method claims 12-18 and 28-39 are very closely related to one another, to the point of justifying a common examination. Comparing device claim 1 with method claim 11, for example, it is noted that both claims define an arrangement in which a trench is provided with an embedding insulating film being embedded in the trench in conjunction with an active region and an element isolating region located adjacent one another. Both claims also define a gate electrode being located in a specific location relative to the embedding insulating film. Accordingly, is respectfully submitted that the common issues of

these claims call for a common examination of both the device and method claims in this application. Such a common examination will avoid redundant efforts in search and prosecuting which will almost surely result if this Restriction Requirement is not removed.

Further, it is urged that such a common examination is warranted, notwithstanding the fact that other methods could possibly be used for manufacturing the device, as pointed out in the Office Action. MPEP 803 specifies:

“If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

It is respectfully submitted that this is the situation here, given the close relationship between the device and the method claims in question. Accordingly, it is respectfully requested that the Examiner reconsider this Restriction Requirement in light of the above comments, and MPEP 803, and, correspondingly, remove the Restriction Requirement.

Although the Applicants believe that the Restriction Requirement is not warranted for the reasons set forth above, in order to be fully responsive to the Restriction Requirement, Applicants hereby elect claims 1-11 and 19-27, drawn to the device, subject to the traverse provided herein.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

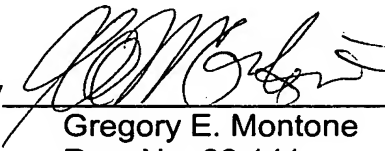
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To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 500.42877X00), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

By   
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